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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA *ex rel.*
 CHRIS MCGOWAN, an individual,

Plaintiff,

v.

KAISER FOUNDATION HEALTH PLAN,
 INC., a California Corporation,

Defendants.

Case No.: CV-09-5984 (JSW)

**~~PROPOSED~~ ORDER AMENDING
 DEADLINES**

AS MODIFIED

The parties jointly seek an order amending various deadlines. Specifically, the parties request that the deadlines for filings related to Defendant's summary judgment motion and for Plaintiff to serve rebuttal expert reports be extended. At the same time, the Parties have agreed not to change the last date for Kaiser's summary judgment motion to be heard. However, to

allow two weeks between the filing of the reply brief and the date of the hearing, the Parties have agreed that Defendant will file its reply brief on shortened time. Specifically, the parties have jointly request the following deadlines:

ACTION	CURRENT DEADLINE	PROPOSED DEADLINE
Filing of Defendant's Summary Judgment Motion	March 21, 2014	March 24, 2014
Plaintiff Serve Rebuttal Expert Reports	March 21, 2014	March 26, 2014
Plaintiff's Response to Defendant's Summary Judgment Motion	April 4, 2014	April 7, 2014
Defendant's Reply in Support of Its Summary Judgment Motion	April 11, 2014	April 11, 2014 (NO CHANGE)
Summary Judgment Hearing	April 25, 2014	April 25, 2014 (NO CHANGE)

"The district court is given broad discretion in supervising the pretrial phase of litigation." *Lehman Brothers Holdings, Inc. v. CMG Mortgage, Inc.*, No. CV 10-0402 (NJV), 2011 WL 203675, *1 (N.D. Cal. Jan. 21, 2011) (quoting *Zivkovic v. Southern California Edison Co.*, 302 F.3d 1080, 1087 (9th Cir. 2002)). "Rule 16(b)(4) provides that a court may modify or extend a discovery deadline upon a showing of good cause." *Tyco Thermal Controls LLC v. Redwood Industrials*, No. C. 06-07164 JF (PVT), 2010 WL 1526471, *4 (N.D. Cal. April 15, 2010) (citing Fed. R. Civ. P. 16(b)(4)). The fact that no other deadlines, including the trial date, will be affected constitutes a basis for finding good cause. *Lehman Brothers*, 2011 WL 203675 at *1.

Having reviewed the parties' joint motion, the Court finds that good cause exists to allow

1 the requested amendments. Accordingly, the deadlines for the following actions are set as
2 follows:

- 3 (1) The deadline for Defendant to file its summary judgment motion is March 24, 2014.
4 (2) The deadline for Plaintiff to serve rebuttal expert reports is March 26, 2014.
5 (3) The deadline for Plaintiff's response to Defendant's summary judgment motion is
6 April 7, 2014.
7 (4) The deadline for Defendant's reply in support of its summary judgment motion is
8 April 11, 2014.
9 (5) The summary judgment hearing remains set for April 25, 2014.

10 All other deadlines and dates, including the dates for pretrial conference, jury selection,
11 If the parties are able to resolve this dispute at the mediation to be held on
12 and trial remain unchanged. April 21, 2014, or seek additional time to resolve the matter before the
13 **IT IS SO ORDERED** hearing on the motion for summary judgment, they shall file a notice with
14 the Court by 10:00 a.m. on Thursday, April 24, 2014.

15 Dated March 24, 2014

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18 JEFFREY S. WHITE
19 UNITED STATES DISTRICT JUDGE